

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WILLIE GRANT, :
Plaintiff,
v. : Case No. 3:19-cv-80
MONTGOMERY COUNTY, OHIO, : JUDGE WALTER H. RICE
et al., :
Defendants.

ORDER DISMISSING ALL CLAIMS AGAINST MONTGOMERY
COUNTY, OHIO, AND THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS WITH PREJUDICE; TERMINATING THEM AS
PARTIES TO THIS LAWSUIT; PRELIMINARY PRETRIAL
CONFERENCE SET FOR JUNE 23, 2021; PLAINTIFF AND DAYTON
DEFENDANTS TO SUBMIT REVISED JOINT RULE 26(f) REPORT NO
LATER THAN JUNE 16, 2021

On March 30, 2021, the Court issued a Decision and Entry Sustaining the Motion for Judgment on the Pleadings filed by Defendants Montgomery County, Ohio, and its Board of Commissioners (the "Montgomery County Defendants"). It also overruled as moot the Motion to Dismiss for Failure to Prosecute filed by the City of Dayton, and Dayton Police Officers Jamie Luckoski and Randy Betsinger (the "Dayton Defendants."). Doc. #21.

In that Decision and Entry, as to the claims asserted against the Montgomery County Defendants, the Court dismissed Count I with prejudice. As to Count II, the Court also dismissed with prejudice the § 1983 claim of failure to

train and/or supervise. However, it dismissed Plaintiff's claim of deliberate indifference to serious medical needs, and his claim challenging conditions of confinement at the Montgomery County Jail without prejudice, and gave Plaintiff 30 days to seek leave to file an Amended Complaint, if he could do so within the bounds of Fed. R. Civ. P. 11(b).

Given that Plaintiff has failed to file a motion for leave to amend his Complaint within the time allotted, the Court now DISMISSES all claims brought against the Montgomery County Defendants WITH PREJUDICE, and TERMINATES them as parties to this lawsuit.

The claims against the Dayton Defendants remain pending. The Court will hold a Preliminary Pretrial Conference by telephone on **June 23, 2021, at 4:00 p.m.** No later than **June 16, 2021**, Plaintiff and the Dayton Defendants shall submit a Revised Joint Rule 26(f) Report. Plaintiff must cooperate with counsel for the Dayton Defendants in completing this Report.¹

Date: May 19, 2021



(tp -per Judge Rice authorization after his review)

WALTER H. RICE
UNITED STATES DISTRICT JUDGE

¹ On June 2, 2020, the Montgomery County Defendants and the Dayton Defendants filed a Rule 26(f) Report, Doc. #12. However, Plaintiff's counsel, who later withdrew from representation, provided no input.